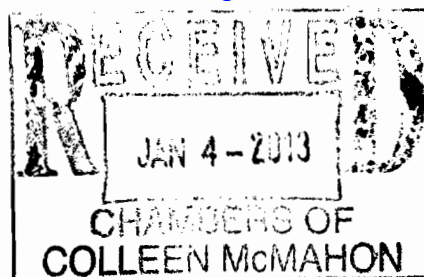




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RECEIVED



January 4, 2013

VIA FACSIMILE 212-805-6326

Honorable Colleen McMahon
United States District Judge
United States District Court for the
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

*I will turn to
the motion - there
is no point in
trying to
settle
now*

Re: **Medien Patent Verwaltung AG v. Warner Bros. Entertainment, Inc., et al.,**
S.D.N.Y. Case No. 1:10-cv-04119-CM-GWG

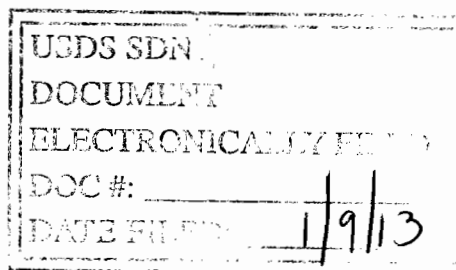
Dear Judge McMahon:

We represent Defendant Deluxe Entertainment Group Services Inc. ("Deluxe") in the above-referenced matter and write to update the Court regarding the mediation session held on December 14, 2012. Deluxe expended substantial effort to maximize the success of the mediation, including time spent on formulating approved negotiating positions, accommodating requested delays by other parties, preparing a mediation statement and obtaining the full-day attendance of a fully authorized Deluxe representative at the mediation session. Unfortunately, Deluxe's efforts did not result in a settlement. To the extent that the Court does not resolve the case in the near term based on Deluxe's fully briefed pending motion for summary judgment of non-infringement, and to avoid further cost and uncertainty, we respectfully request that the Court preside over a settlement conference to assist the parties in resolving the case.

Respectfully,

Scott J. Bornstein

cc: Andrew Riddles, via email
Sean Jackson, via email
Jeffrey Sanok, via email
Mark Supko, via email
Trevor Carter, via email
Daniel Lechleiter, via email
Phillip Mancini, via email
Phoebe Wilkinson, via email



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*SEPARATE ATTORNEY

Colleen McMahon
1/9/13